



CITY OF MARKHAM
Virtual Meeting on Zoom

Wednesday 7, 2024
7:00 PM

COMMITTEE OF ADJUSTMENT

Minutes

The 2nd regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 PM
Tom Gutfreund	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Michelle Chen, Development Technician

Regrets

Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

Minutes: January 17, 2024

THAT the minutes of Meeting No. 1, of the City of Markham Committee of Adjustment, held January 17, 2024 respectively, be:

- a) Approved on February 7th, 2024.

Moved by: Patrick Sampson
Seconded by: Jeamie Reingold

Carried

NEW BUSINESS:

1. B/040/23

**Owner Name: Neamsby Investments Inc.
Agent Name: The Remington Group (Joseph Pavia)
4412 14th Avenue, Markham
PLAN 65M2813 PT LOT 19 & LOT 20 PL 65R28772 PTS 1, 2, 3, 4, 5, 6, 7
& 8**

The applicant was requesting provisional consent to:

- a) sever and convey** a parcel of land (Parts 5, 6, 7, 9, 10 and 11) with an approximate lot frontage of 50.00 metres and an approximate lot area of 6297 square metres;
- b) retain** a parcel of land (Parts 8, 18 and 19) with an approximate lot frontage of 14.67 metres and an approximate lot area of 1,756.10 square metres, to be merged with the adjacent parcel of land to the east, Lot 20, being Part 7 of Plan 65R-28772;
- c) establish an easement** over parts 7 and 9 for access purposes in favour of the retained lands (Parts 8, 18 and 19) and Lot 20, being Part 7 of Plan 65R-28772; and
- d) establish an easement** over parts 8, 18 and 19 for maintenance purposes in favour of the conveyed lands (Parts 5, 6, 7, 9, 10, and 11).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new ICI lot. This application was related to Site Plan Control application 2023 128746 000 00 SPC and Deeming By-law application 2023 143212 000 00 DEEM.

The Chair introduced the application.

The agent, Joseph Pavia, appeared on behalf of the application.

Member Sampson had no objections, indicating they agreed with the staff report and the application was straightforward.

Member Yan agreed with their colleague, expressing it was good to see employment uses complimenting the industrial base in the area. Member Yan supported the application, noting that it was for a simple conveyance that met the Official Plan and Zoning By-law policies.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **B/040/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

2. A/215/23

Owner Name: Peter Chen
Agent Name: Peter Chen
76 William Honey Crescent, Markham
PLAN 65M2526 PT LOT 111 RS65R 11567 PARTS 35,36

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) **By-law 90-81, Section 5.2.6:**
a door facing the interior side lot line to be 0.53 metres away from the interior side lot line, whereas the by-law requires a minimum of 1.2 metres;

as it related to a single detached dwelling.

The Chair introduced the application.

The owner, Peter Chen appeared on behalf of the application.

Member Yan noted the narrow side yard and asked for clarification from the owner regarding the width of the walkway and whether a tenant had sufficient access.

The Chair noted that fire and emergency services had reviewed the application and did not have objections. Peter Chen advised that egress windows would be installed.

Member Reingold requested further information regarding the shared access and fencing.

Member Sampson noted no objections from neighbours and indicated support based on the approvals noted in the staff report.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/215/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3. A/092/23

Owner Name: Sureshkumar Rajadurai
Agent Name: Juara Design Studio (Raj Balasundaram)
49 Alderbury Drive, Markham
PLAN 65M2654 PT LOT 12 RS65R13326 PART 2

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) **Section 4.6(a):**
a roofed porch with unenclosed sides to project 3.53 metres into a required rear yard, whereas the bylaw permits a maximum projection of 0.45 metres into the required rear yard; and
- b) **Section 6.2.1(c):**
a maximum lot coverage of 44 percent, whereas the by-law permits a maximum lot coverage of 40 percent;

as it related to an as-built covered porch.

The Chair introduced the application.

The agent and owner appeared on behalf of the application. They explained that the covered porch had been constructed to provide outdoor amenity space. They also spoke to concerns raised regarding encroachment, property standards, animal control, and noise.

The Committee received two written pieces of correspondence.

Yang, a neighbour, spoke to the Committee about encroachments, drainage, animal control, noise and property standards.

Rama Agnihotria, a neighbour, supported the application, indicating they had not experienced negative impacts due to the construction.

Sivaneswaran Nadarasa, a neighbour, supported the application, indicating that owners needed to utilize their properties to support a healthy family lifestyle.

Member Reingold did not support the application, expressing concerns regarding lot coverage, drainage and negative impacts on neighbouring properties.

The Chair indicated that eavestroughs were shown on the drawings and that drainage would be assessed through the grading review during the building permit process.

Member Sampson motioned for approval with conditions.

Moved by: Patrick Sampson
Seconded by: Sally Yan
Opposed: Jeamie Reingold

The majority of the Committee approved the application.

THAT Application No. **A/092/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

4. A/194/23

Owner Name: Yu Qiao Yang
Agent Name: Markham Drafting & Design (Dongshan Cui)
55 Randall Avenue, Markham
PLAN 65M2350 LOT 137

The applicant was requesting relief from the requirements of By-law 90-81, as amended, to permit:

- a) **By-law 90-81, as amended, Section 5.2.4:**
a minimum side yard setback of 3.05 metres abutting the flanking street, whereas the by-law requires a minimum side yard setback of 4.50 metres abutting the flanking street; and
- b) **By-law 90-81, as amended, Section 5.2.5 (a):**
a front yard setback of 6.7 metres, whereas the by-law requires a minimum front yard setback of 8.0 metres;

as it related an existing dwelling and the conversion of the attached garage to habitable space.

The Chair introduced the application.

The agent, Justin Yang, appeared on behalf of the application.

Member Sampson asked for a clarification of the use of the space and if sufficient parking was available without a garage.

Member Yang asked for further details regarding access to and function of the space, noting that the proposal had been customized to meet the owner's needs. Member Yan supported the application, indicating the request was minor.

Member Reingold supported the application, noting it was minor, had staff support and provided customized living space for family needs.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/194/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/210/23

Owner Name: Leon Wu
Agent Name: Midnight Building (Oula Akhras)
40 Grandview Avenue, Thornhill
PLAN 2446 LOT 335

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:

- a) **Amending By-law 101-90, Section 1.2(iv):**
a building depth of 17.0 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- b) **By-law 2237, Section 6.1:**
a front yard setback of 9.19 metres, whereas the by-law requires a minimum front yard setback of 10.7 metres;
- c) **Amending By-law 101-90, Section 1.2(i):**
a building height of 9.48 metres, whereas the by-law permits a maximum building height of 8.6 metres;
- d) **Amending By-law 101-90, Section 1.2 (vii):**
a floor area ratio of 55.3 percent (3,443 square feet), whereas the by-law permits a floor area ratio of 50 percent (3,113 square feet);

as it related to a proposed two-storey residential dwelling.

The Chair introduced the application.

The agent Joe Domb appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Joan Honsberger, the Ward 1 Residents Association representative, asked how the building height compared to the adjacent properties and what impact would be created for the surrounding neighbours.

Evelin Ellison, the Ward 1 Residents Association president, asked that the development conform to bird-friendly guidelines.

Member Reingold expressed that the proposal was a compatible design for the transitioning neighbourhood. However, the build was marginally larger than was appropriate for the lot size.

Member Yan indicated that the proposal was a nice fit and would not be overwhelming within the neighbourhood. Member Yan felt that the Floor Area Ratio and height combined significantly impacted the streetscape.

Member Sampson indicated that the Committee generally sought a Floor Area Ratio in the area to be 55 percent or less, and the applicant should reduce the proposal to meet the standards set by the Committee.

The Chair noted that the applicant had worked to reduce the Floor Area Ratio, and the proposal had no significant open below space. The Chair commented, however, that the height was a significant concern and that there was potential to reduce the height.

Leon Wu, the owner, spoke to the specifics of the design, indicating that the open-to-below area has been removed to reduce the floor area ratio and keep the massing in line with the adjacent neighbour.

The Chair asked if the applicant wished for a decision or deferral.

Joe Domb requested to amend variance **d)** to 55 percent (3424.89 square feet or 318.11 metres) and proceed to a decision.

Members Sampson, Reingold and Yan agreed with the amendment of variance **d)** as proposed by Joe Domb.

Member Sampson motioned for approval of amended variance **d)** with conditions.

Moved by: Patrick Sampson
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/210/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. A/203/23

Owner Name: The Residences at Royal Bayview Inc.
Agent Name: Tridel (Vivian Tran Nguyen)
397 Royal Orchard Boulevard, Thornhill
CON 1 PT LOT 31 RP 65R38763 PART 1

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

- a) **By-law 2019-132, Section 7.631.1(i) Special Zone Standards:**
a maximum of 176 dwelling units, whereas the by-law permits a maximum of 173 dwelling units;
- b) **By-law 2019-132, Section 7.631.1(k)(ii) Special Zone Standards:**
a maximum building height of 231 metres for a portion of the building within 75 metres of the southerly lot line, whereas the by-law permits a maximum building height of 228.50 metres above sea level, geodetic datum;
- c) **By-law 2019-132, Section 7.631.1(o) Special Zone Standards:**
a maximum gross floor area of 1020 square metres for any floor above 212 metres above sea level, geodetic datum, in a portion of a building "B" within 75 metres of the southerly lot line, whereas the by-law permits a maximum gross floor area of 1020 square metres for any floor above 209 metres above sea level, geodetic datum, in a portion of building "B" within 75 metres from the southerly lot line; and
- d) **By-law 28-97, Section 3.0(C) Parking Standards, Table A - Residential Uses:**
0.24 parking spaces per dwelling unit for visitors, whereas the by-law requires 0.25 parking spaces per dwelling unit for visitors;

as it related to a 15-storey condominium.

The Chair introduced the application.

The agent, Kate Cooper of Bousfields Inc., appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Joan Honsberger, representative of the Ward 1 Residents Association, spoke to the Committee and expressed that the building was under construction, that the request was not minor, and that the request should have been referred back to the Development Services Committee for appropriate neighbourhood consultation.

The Chair explained that the application had been deemed to meet the requirements for a minor variance under the *Planning Act*, and applications were regularly considered by the Committee during various stages of the proposal, including during construction.

Evelin Ellison, president of the Ward 1 Residents Association, expressed appreciation for implementing the bird-friendly guidelines during the design and construction phases of the project. Evelin noted that Bayview Avenue was outside an identified intensification area. They expressed that the residents were surprised that it came through the Committee of Adjustment, did not have further public consultation, and inquired regarding requirements for additional parkland dedication. In the opinion of the Residents Association, the application was not minor, even if it appeared minor relative to the size of the building, and it would give precedent to other builders.

The Ward 1 Residents Association members did not support the application. They requested that Tridel be required to provide additional parkland dedication funds to accommodate the additional residents that would be added to the area.

Member Yan understood the residents' concerns regarding intensification in the area. Member Yan asked the agent to clarify the parking standards for the property. Kate Cooper explained that the units had been sold with the parking spaces.

The Chair mentioned the conditions included in the staff report. Greg Whitfield clarified that only the conditions listed in Appendix A would apply.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/203/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Adjournment

Moved by: Sally Yan
Seconded by: Jeamie Reingold

Committee of Adjustment Minutes
Wednesday February 7, 2024

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:45 pm,
and the next regular meeting would be held on February 21, 2024.

CARRIED

Original Signed
February 21, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed
February 21, 2024
Chair
Committee of Adjustment